

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RHÔNE-POULENC AGRO S.A.,)

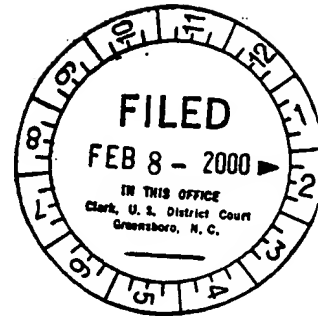
Plaintiff,)

v.)

MONSANTO COMPANY and
DEKALB GENETICS CORP.,)

Defendants.)

No. 1:97CV1138



INJUNCTION

TILLEY, Chief Judge

This case is now before the Court on post-trial motions from both parties. One of those motions is Plaintiff Rhone-Poulenc Agro SA's (RPA) motion for a permanent injunction [Doc. #504]. For the reasons set forth in the Memorandum Opinion filed contemporaneously with this Order, that motion is GRANTED. The purpose of this Order is to establish the scope of the injunction.

IT IS HEREBY ORDERED:

1. DeKalb is permanently enjoined from making any use of the technology covered by United States Patent 5,510,471 ('471 patent).¹ This prohibition means that DeKalb shall neither use that technology in research, nor produce or sell any products involving that technology. The sole exception to this general rule is set

¹ On December 16, 1999, the Patent Office reissued the '471 patent as RE 36,449 ('449 patent). The '471 patent, therefore, no longer exists. Nonetheless, the Court will continue to refer to the '471 patent, as it was known throughout this litigation. This injunction should be read to apply to the '449 patent, of course.

forth below.

2. Because DeKalb may no longer grow or sell the GA21 corn line, any GA21 corn that DeKalb currently has growing shall be "turned under" or otherwise destroyed. However, DeKalb may sell any GA21 corn that it had in inventory on June 2, 1999. This provision covers corn in bags on that date, whether it had not yet been sold or had been sold and returned to DeKalb. It does not cover inventory acquired since that date and, consequently, any inventory acquired after June 2, 1999 must be destroyed.

This the 8th day of February, 2000.


United States District Judge